

Appl. No. 09/545,991
Amdt. dated June 9, 2003
Reply to Office Action of 12/09/2002

PATENT

REMARKS/ARGUMENTS

Upon entry of this amendment, which amends claims 15-17, 21-26, 28-30, 32-40, and 41; cancels claim 31; and adds new claims 43-49, claims 15-30 and 32-49 will be pending. In the Office Action, the Examiner objected to the abstract under 37 CFR 1.72(b); required the submission of information reasonably necessary to properly examine the instant application under 37 CFR 1.105; rejected claims 15-42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of Freeman (U.S. Patent No. 6,134,557); and rejected claims 15-42 under 35 USC §103(a) as being obvious over Logica's Integration and Automation of Work Management System Gives SaskEnergy Competitive Advantage," *Business Wire*, 15 September 1997, pp. 1-2 (hereinafter "Business Wire") in view of Wakiyama (U.S. Patent No. 5,806,069, hereinafter "Wakiyama"). Applicant respectfully requests reconsideration of the claims in view of the amendments above and remarks below.

Objection to the Abstract

The abstract was objected to under 37 CFR 1.72(b) for being greater than 150 words. In response, applicant has amended the abstract to include less than 150 words.

Requirement for Information

The Examiner requested the submission of such information reasonably necessary to properly examine the instant application: a commercial database, search information, related information, information used to draft the instant application, and information used in inventive process. Applicant submits the following in response to the request:

Commercial database: Applicants submit that the World-Wide-Web (WWW) and Lexis-Nexus are commercial databases that could be searched. The state of selected web pages in the past, such as at the time of filing of the present application, might be found in archives maintained at www.archive.org.

Search: A search was conducted and results thereof submitted in an Information Disclosure Statement mailed on September 26, 2002.

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Related Information: Applicant submits that any related information was submitted in the IDS mailed on September 26, 2002.

Information used to draft the instant application: None known

Information used in invention process: None known.

Double Patenting Rejections

Claims 15-42 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of Freeman. In response, applicant has submitted a terminal disclaimer. Thus, applicant respectfully requests withdrawal of the rejections of claims 15-42 under §101.

Section 103 Rejections

Claims 15-27

Claims 15-27 were rejected under 35 USC § 103(a) as being unpatentable over Business Wire and Wakiyama. Applicant submits that Business Wire and Wakiyama, either alone or in combination, do not disclose or suggest every element of claim 15, as amended. For example, Business Wire and Wakiyama, either alone or in combination, fail to disclose or suggest instructions operable to cause a programmable processor to "display a menu from which the contractor/customer selects a classification of construction materials or products, the classification associated with a construction phase, the contractor/customer further selecting a set of construction materials or products within the classification."

Business Wire discloses a system to integrate centralized engineering and construction management functions with decentralized customer service delivery. *See Business Wire*, pg. 2. Wakiyama discloses a system for managing construction related information and production related information. *See Wakiyama*, col. 1, lines 61-65. Nowhere in Business Wire and Wakiyama, taken either alone or in combination, is it disclosed or suggested that a menu is displayed from which a contractor/customer selects a classification of construction materials or products associated with a construction phase.

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Accordingly, applicant respectfully requests withdrawal of the rejection of claim 15. Claims 16-27 depend from claim 15 and thus derive patentability at least therefrom. Accordingly, applicant respectfully requests withdrawal of the rejection of claims 16-27.

Claims 28-30 and 32-43

Applicant submits that independent claims 28 and 41, as amended, should be allowable for at least a similar rationale as discussed with respect to claim 15. Claims 29-40 depend from claim 28 and thus derive patentability at least therefrom. Claim 42 depends from claim 41 and thus derives patentability at least therefrom. Accordingly, applicant respectfully requests withdrawal of the rejections of claims 28-43.

New Claims 43-49

Applicant submits that the cited references do not disclose or suggest every element of new claims 43-49. For example, the cited references fail to disclose or suggest:

providing the customer with a phase list comprising references to each of a plurality of construction phases;

receiving a customer selection of a construction phase from the phase list;

providing the customer with a supply list comprising references to a plurality of supplies associated with the selected construction phase, the plurality of supplies being available from the indicated supplier;

Applicant thus requests a notice of allowability for the new claims.

The present amendment is submitted in accordance with the Revised Amendment Format as set forth in the Notice provided on the USPTO web site for the Office of Patent Legal Administration; Pre-OG Notices; signed 1/31/03.

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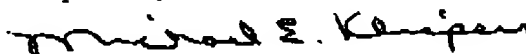
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CONCLUSION

In view of the foregoing, applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (619) 980-8680.

Respectfully submitted,



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